

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH JACOBY, Moving Party, vs. BOARD OF SUPERVISORS OF THE UNIVERSITY OF LOUISIANA SYSTEM, Responding Party.	Case No. 2:23-mc-00403-KJM-AC <i>Pending in the Middle District of Louisiana, Case No. 3:22-cv-00338-BAJ-SDJ</i> JOINT STATEMENT RE DISCOVERY DISAGREEMENT RE SUBPOENA TO JOURNALIST KENNETH JACOBY
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DECLARATION OF CATHERINE S. GIERING

I, CATHERINE S. GIERING, declare as follows:

1. I am an attorney duly admitted to practice law in the State of Louisiana. I am Louisiana counsel for the Board of Supervisors of the University of Louisiana System (“ULS”), a named defendant in *Jane Doe v. Board of Supervisors of the University of Louisiana System et al.*, No. 22-cv-00338-BAJ-SDJ (“underlying Doe suit”), pending in the U.S. District Court for the Middle District of Louisiana.
2. This declaration is made in support of the Joint Statement Regarding Discovery Disagreement Concerning Deposition Subpoena to Journalist Kenneth Jacoby, and all information is based upon my personal knowledge.
3. ULS issued a deposition subpoena to Kenneth Jacoby to obtain information relevant to the underlying Doe suit. A true and correct copy of the Complaint filed in the underlying Doe suit is attached to this Declaration as Exhibit ULS-1.

4. The information requested in the subpoena is relevant because the Plaintiff in the underlying *Doe* suit alleges that she learned, for the first time, material facts that form the basis of her lawsuit, when she read an article written by Kenneth Jacoby and published in the *USA Today* on May 26, 2021.

A copy of the subject article is attached to this Declaration as Exhibit ULS-2 and also is publicly available at the following link:

<https://www.usatoday.com/in-depth/news/investigations/2021/05/26/louisiana-officials-skirted-law-meant-curb-campus-sex-crimes/7048845002/>

5. I conferred with counsel for Jacoby on January 3, 2023, to discuss Jacoby's objections to the deposition subpoena.

6. Pursuant to this Court's local rules, ULS and Jacoby file the present Joint Statement Regarding Discovery Disagreement Concerning Deposition Subpoena to Journalist Kenneth Jacoby ("Joint Statement").

7. The United States District Court for the Middle District of Louisiana issued a Consent Protective Order and Confidentiality Agreement in the underlying *Doe* suit. A true and correct copy of the Court's order, entered into the record of the underlying *Doe* suit as R. Doc. 51, is attached to this declaration as Exhibit ULS-3.

8. Documents submitted in support of ULS's Memorandum of Arguments and Legal Authorities supporting its position in the Joint Statement presently before this Court are filed pursuant to the Consent Protective Order and Confidentiality Agreement issued in the underlying *Doe* suit.

9. ULS cites Jane Doe's deposition testimony to support its position in the Joint Statement.

True and correct copies of excerpts from the deposition of Jane Doe, plaintiff in the underlying *Doe* suit, are attached to this Declaration as Exhibit ULS-4.

10. ULS cites documents that Doe produced in response to discovery requests propounded by Lafayette City-Parish Consolidated Government, a co-defendant named in the underlying *Doe* suit, to support its position in the Joint Statement.

A true and correct copy of Plaintiff's Responses to Lafayette City-Parish Consolidated Government's Second Request for Production of Documents, with relevant attachments, is attached to this Declaration as Exhibit ULS-5. Portions of the responses that may be subject to the Protective Order issued in the underlying *Doe* suit have been redacted.

11. ULS cites correspondence from Doe that supplements her prior discovery production issued in response to ULS's Second Request for Production to support its position in the Joint Statement.

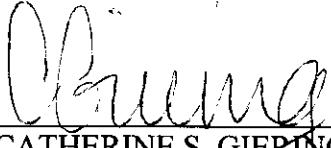
A true and correct copy of Doe's correspondence supplementing her prior production issued in response to ULS's Second Request for Production, with relevant attachments, is attached to this Declaration as Exhibit ULS-6. Portions of the responses that may be subject to the Protective Order issued in the underlying *Doe* suit have been redacted.

12. ULS cites documents that it produced in response to information requests it received from Kenny Jacoby before he published the article attached to this Declaration as Exhibit ULS-2. True and correct copies of relevant excerpt(s) from ULS's production are attached to this Declaration as Exhibit ULS-7.

13. ULS cites testimony from the 30(b)(6) Deposition of the Board of Supervisors of the University of Louisiana System, through its duly appointed representative, Tasha Evans, to support its position in the Joint Statement.

True and correct copies of excerpts from the 30(b)(6) Deposition of the Board of Supervisors of the University of Louisiana System, through its duly appointed representative, Tasha Evans, are attached to this Declaration as Exhibit ULS-8.

Pursuant to 28 U.S.C. §1749, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 17th day of January, 2024, at Baton Rouge, Louisiana.



CATHERINE S. GIERING
*Counsel for the Board of Supervisors of the
University of Louisiana System*